

LIONEL Z. GLANCY (#134180)  
GLANCY BINKOW & GOLDBERG LLP  
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Attorneys for Movant and  
Proposed Lead Counsel

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

I.B.L. INVESTMENTS LTD.,  
Individually and On Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

TERAYON COMMUNICATION  
SYSTEMS, INC., ZAKI RAKIB, JERRY  
D. CHASE, MARK A. RICHMAN and  
EDWARD LOPEZ,

Defendants.

No. 3:06-cv-03936-MJJ

**DECLARATION OF LIONEL Z.  
GLANCY IN SUPPORT OF MOTION  
OF I.B.L. INVESTMENTS LTD. FOR  
APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL OF  
LEAD PLAINTIFF'S SELECTION OF  
LEAD COUNSEL**

Date: October 24, 2006  
Time: 9:30 a.m.  
Ctvm: 11

I, Lionel Z. Glancy, hereby declare as follows:

1. I am a partner of Glancy Binkow & Goldberg LLP, counsel I.B.L. Investments Ltd. ("I.B.L. Investments" or "Movant").
2. Movant seeks appointment as Lead Plaintiff pursuant to Section 21D of the Securities Exchange Act of 1934 in the above-captioned action (the "Action").
3. I submit this Declaration, together with the attached exhibits, in support of the motion of I.B.L. Investments, *inter alia*, to appoint it to serve as Lead Plaintiff on behalf of the class in the Action and to approve Movant's choice of Glancy Binkow & Goldberg LLP as Lead Counsel. I am fully familiar with the facts set forth herein.

1           4.     Attached hereto as the exhibits indicated are true and correct copies of the  
2 following:

3           Exhibit A:   Press release published on July 11, 2006, in *Financial Times*, a  
4                       widely circulated national business-oriented publication, announcing  
5                       pendency of the lawsuit commenced by I.B.L. Investments, et al.,  
6                       against defendants herein.

7           Exhibit B:   Sworn shareholder certification of I.B.L. Investments.

8           Exhibit C:   Table reflecting the calculated losses incurred by Movant as a result  
9                       of transactions in Terayon Communication Systems, Inc. securities.

10          Exhibit D:   Firm resumé of Glancy Binkow & Goldberg LLP.

11  
12          I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing facts are true and correct. Executed this 11<sup>th</sup> day of September, 2006, at Los  
14 Angeles, California.

15                               s/Lionel Z. Glancy  
16                               Lionel Z. Glancy  
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# **EXHIBIT A - PRESS RELEASE**

FINANCIAL TIMES TUESDAY JULY 11 2006

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**Legal Notices**

Notice is hereby given that an action has been filed in the United States District Court for the Northern District of California, Case No. 3:06-cv-03936-MJJ, on behalf of a proposed class of purchasers of the common stock of Terayon Communication Systems, Inc. ("Terayon") between October 28, 2004 and March 1, 2006, inclusive (the "Class Period").

The Complaint charges Zaki Rakib, Jerry D. Chaso, Mark A. Richman, Edward Lopez and Terayon with violations of federal securities laws. Among other things, plaintiff claims that the Company's reported financial results and growth were attributable to improper accounting practices, which resulted in an overstatement of the Company's revenues, causing Terayon's stock price to become artificially inflated, inflicting damages on investors.

Pursuant to 15 U.S.C. Section 78u-4, if you are a member of the proposed class described above, you may move the Court, not later than 60 days from the date of this Notice, to serve as lead plaintiff, however, you must meet certain legal requirements. If you wish to discuss this action, or have any questions concerning this Notice or your rights or interests with respect to those matters, please contact Lionel Z. Glancy, Esquire, of Glancy Binkow & Goldberg LLP, 1801 Avenue of the Stars, Suite 311, Los Angeles, California 90067, by telephone at (310) 201-9150, Toll Free at (888) 773-9224 or by e-mail to [info@glancylaw.com](mailto:info@glancylaw.com).

THE INSOLVENCY ACT 1986  
Notice To Creditors

**MILLENNIUM INTERNATIONAL FREIGHT LIMITED**

(In Creditors' Voluntary Liquidation)

NOTICE IS HEREBY GIVEN that the creditors of the above named company are required to send to the undersigned their names and addresses, with particulars of their debts and claims to the undersigned Kevin John Hillard and Kevin Ashley Goldfarb of NSM Robson Rhodes LLP, 39 Finsbury Square, London EC2P 2YU, the Joint Liquidators of the company, and if so required by notice in writing from the Joint Liquidators either personally or by their solicitors, to come in and prove their debts or claims at such time and place as shall be specified in such notice and in default thereof they will be excluded from the benefit of any distribution made before such debts are proven.

Dated 30 June 2006

KEVIN JOHN HILLARD and KEVIN ASHLEY GOLDFARB Joint Liquidators

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Financial Times, Number One,  
Southwark Bridge,  
London, SE1 9HL

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	010.29.06.2006	Inlet Pressure CNG Compressors		
3.	6000046-HD-12001 dtd.29.06.2006	1200 SCMHr. at Suction Pressure of 18 Kg/Sq Cm CNG Compressors	1,00,000/-	2200/-
4.	6000049-HD-12001 dtd.29.06.2006	650 SCMHr. capacity CNG Compressors	3,00,000/-	8500/-

Tender Documents are available from : 08/07/2006 to 09/08/2006  
Due Date & Time for submission of tender : 10/08/2006 - 15.00 Hrs.  
Due date & Time for opening of tenders : 10/08/2006 at 15.30 Hrs.

Sealed tenders under two-bid system (Unpriced & Priced) are invited in prescribed format from competent vendors for above mentioned items. Please visit the tender page on our website : [www.hindustanpetroleum.com](http://www.hindustanpetroleum.com) for detailed Notice Inviting Tender, eligibility / pre-qualification criteria, availability of tender documents and other details.

Sr. Manager - E.P. &amp; P(LPG)

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**Business for Sale****PIMS ENTERPRISES LIMITED  
(In Administration)**

The Joint Administrators offer for sale as a going concern the business and assets of Pims Enterprises Limited.

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- Turnover circa £16 million per annum
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- Litho printing business located in Crewkerne, Somerset - lease hold circa 77,000 sq ft
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- High volume b/w and colour cut sheet digital printing presses
- Experienced management teams
- Immediate offers invited

For further information please contact:

Geoff Bouchier or Andrew Bailey at Menzies Corporate Restructuring

Telephone: 020 7487 7240

Facsimile: 020 7487 7299

E-mail: [gbouchier@menzies.co.uk](mailto:gbouchier@menzies.co.uk)  
[arbailey@menzies.co.uk](mailto:arbailey@menzies.co.uk)

menzies | corporate restructuring

**MAINTENANCE ONE SERVICES LIMITED**

(an administration)

A leading specialist in the field of maintenance support for retailers

The Joint Administrators, Vivian Bairstow, David Hudson and Tim Dolder offer for sale the business and assets of this well regarded company.

The principal features are:

- Excellent well trained and skilled staff providing 24/7 maintenance coverage to a leading food retailer across all their UK outlets
- Sophisticated systems and procedures based around call centre management of operations from first alert to satisfactory completion
- Well developed sourcing capability
- Turnover c.£26 million p.a.
- Based Stony Stratford, Buckinghamshire.

For further information please contact the Joint Administrators at Begbies Traynor, 32 Cornhill, London EC3N 3BT, telephone on 020 7398 3800 or fax on 020 7398 3799 or e-mail [leanne.naughton@begbies-traynor.com](mailto:leanne.naughton@begbies-traynor.com).

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Lot 1 - Banknote  
Quantity: 357 tons

Lot 2 - Banknote  
Quantity: 180 tons

Lot 3 - Banknote  
Quantity: 356 tons

Lot 4 - Banknote  
Quantity: 403 tons

Lot 5 - Banknote  
Quantity: 136 tons

Lot 6 - Banknote  
Quantity: 103 tons

- Bidding will be conducted through under IBRD Loans and IDA Credit
- Interested eligible bidders may at Ahmed Mukhtar (e-mail: [omermul](mailto:omermul) working hours of 07:30 am to 3:30
- Qualifications requirements include the contract price and the number eligible national contractors shall
- Interested bidders, on the submission be sent by courier service to the currency. The evidence of the fee with the Saudi Sudanese Bank of the bid period has been kept to 30
- Bids must be delivered to the address permitted. Late bids will be rejected on-line at the address below at 12 accompany all bids.
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## **EXHIBIT B - CERTIFICATION**

**CERTIFICATION PURSUANT  
TO FEDERAL SECURITIES LAWS**

1. I I.B.L. Investments<sup>LLP</sup> make this declaration pursuant to Section 21D(a)(2) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995.

2. I have reviewed the Complaint against Terayon Communications, Inc. ("Terayon") and authorize the firm of Glancy Binkow & Goldberg LLP to move on my behalf for appointment as lead plaintiff.

3. I did not purchase Terayon securities at the direction of plaintiffs' counsel or in order to participate in any private action arising under the Securities Exchange Act of 1934.

4. I am willing to serve as a representative party on behalf of a Class of investors who purchased Terayon securities during October 28, 2004 through March 1, 2006, including providing testimony at deposition and trial, if necessary. I understand that the Court has the authority to select the most adequate lead plaintiff in this action and that the firm of Glancy Binkow & Goldberg LLP may exercise its discretion in determining whether to move on my behalf for appointment as lead plaintiff.

5. To the best of my current knowledge, the attached sheet lists all of my transactions in Terayon securities during the Class Period as specified in the Complaint.

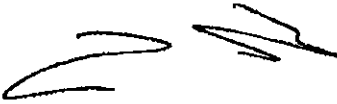
6. During the three-year period preceding the date on which this Certification is signed,

I have not sought to serve as a representative party on behalf of a class under the federal securities laws.

7. I agree not to accept any payment for serving as a representative party on behalf of the class as set forth in the Complaint, beyond my pro rata share of any recovery, except such

SUMMARY OF PURCHASES AND SALES

DATE	PURCHASE OR SALE	NUMBER OF SHARES	PRICE PER SHARE
5/04/2005	Sale	6,000	\$ 3.15
6/05/2005	Sale	5,000	3.41
7/29/2005	Purchase	2,500	3.02
8/24/2005	Sale	2,500	3.42
8/29/2005	Purchase	4,000	3.32
9/12/2005	Sale	2,000	3.65
9/13/2005	Sale	2,000	3.63
9/21/2005	Purchase	3,000	3.88
9/26/2005	Purchase	1,000	3.96
9/26/2005	Purchase	1,000	3.92
9/26/2005	Purchase	1,000	3.92
10/12/2005	Purchase	1,000	3.29
10/18/2005	Purchase	3,000	3.34
10/19/2005	Purchase	2,000	3.08
10/25/2005	Purchase	100	2.83
10/26/2005	Purchase	2,000	2.74
10/28/2005	Purchase	2,000	2.4
11/7/2005	Sale	2,000	2.54
11/8/2005	Purchase	6,000	2.22
11/9/2005	Sale	6,000	2.33
23/12/2005	Sale	6,000	2.31

  
 D. O'Neil  
 תעודת בע"מ  
 513501985

reasonable costs and expenses directly relating to the representation of the class as ordered or approved by the Court.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed 12/6/06, at TEL-AVIV, Israel  
(Date) (City, State)  
I.B.L. Investments ליבי ביטאון  
(Signature)  
513501965.0.  
(Type or Print Name)

ליבי ביטאון  
מסמך 513501965.0.  
תשס"ז





## **EXHIBIT C - LOSS CHART**

**EXHIBIT**  
**TABLE OF MOVANT I.B.L. INVESTMENTS LTD.'S LOSSES IN TERAYON COMMUNICATIONS SYSTEMS, INC.**



NAME	BUY DATE	SHARES	PRICE	AMOUNT	SALE DATE	SHARES	PRICE	PROCEEDS	LOSS
BUY TRANSACTIONS									
IBL INVESTMENTS LTD.	11 08 2005	6000	0.0000	\$ 0.00					
IBL INVESTMENTS LTD.	10 28 2005	2000	2.2200	\$ 13,320.00					
IBL INVESTMENTS LTD.	10 26 2005	2000	2.4000	\$ 4,800.00					
IBL INVESTMENTS LTD.	10 25 2005	100	2.7400	\$ 5,480.00					
IBL INVESTMENTS LTD.	10 19 2005	2000	2.8300	\$ 283.00					
IBL INVESTMENTS LTD.	10 18 2005	3000	3.0800	\$ 6,160.00					
IBL INVESTMENTS LTD.	10 12 2005	1000	3.2900	\$ 3,290.00					
IBL INVESTMENTS LTD.	09 26 2005	1000	3.9700	\$ 3,970.00					
IBL INVESTMENTS LTD.	09 26 2005	1000	3.9700	\$ 3,970.00					
IBL INVESTMENTS LTD.	09 26 2005	1000	3.9600	\$ 3,960.00					
IBL INVESTMENTS LTD.	09 21 2005	3000	3.8500	\$ 11,640.00					
IBL INVESTMENTS LTD.	08 29 2005	4000	3.3200	\$ 13,280.00					
IBL INVESTMENTS LTD.	07 29 2005	2500	3.0200	\$ 7,550.00					
SELL TRANSACTIONS									
IBL INVESTMENTS LTD.				\$ 0.00			0.0000	\$ 0.00	
IBL INVESTMENTS LTD.					12 23 2005	8000	2.3100	\$ 18,480.00	
IBL INVESTMENTS LTD.					11 08 2005	6000	2.3300	\$ 13,980.00	
IBL INVESTMENTS LTD.					11 07 2005	2000	2.5400	\$ 5,080.00	
IBL INVESTMENTS LTD.					09 13 2005	2000	3.6300	\$ 7,260.00	

TABLE OF MOVANT I.B.L. INVESTMENTS LTD.'S LOSSES IN TERAYON COMMUNICATIONS SYSTEMS, INC. SECURITIES

X:\wp51\TERAYON\SHAREHOLDERS\LOSSES OF I.B.L. INVESTMENTS, LTD..wpd

NAME	BUY DATE	SHARES	PRICE	AMOUNT	SALE DATE	SHARES	PRICE	PROCEEDS	LOSS
IBL INVESTMENTS LTD.					09 12 2005	2000	3.6500	\$ 7,300.00	
IBL INVESTMENTS LTD.					08 24 2005	2500	3.4200	\$ 8,550.00	
IBL INVESTMENTS LTD.					06 05 2005	5000	3.4100	\$ 17,050.00	
IBL INVESTMENTS LTD.					05 04 2005	6000	3.1500	\$ 3,465.00 <sup>1</sup>	
TOTALS				\$ 87,723.00				\$ 81,165.00	\$ 6,558.00
VALUE OF SHARES REMAINING		28600				33500			\$ 0.00
TOTAL LOSS									\$ 6,558.00 <sup>2</sup>

<sup>1</sup>Proceeds discounted for sale of pre-Class Period shares.

<sup>2</sup>FIFO loss based on pre-Class Period purchase of 4900 shares.

TABLE OF MOVANT I.B.L. INVESTMENTS, LTD.'S LOSSES IN TERAYON COMMUNICATIONS SYSTEMS, INC. SECURITIES  
X:\wp51\TERAYON\SHAREHOLDERS\LOSSES OF I.B.L. INVESTMENTS, LTD..wpd

## **EXHIBIT D - FIRM RESUMÉ**

**GLANCY BINKOW & GOLDBERG LLP**  
ATTORNEYS AT LAW

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NEW YORK, NY 10036  
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info@glancylaw.com

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455 MARKET ST., SUITE 1810  
SAN FRANCISCO, CA 94105  
TELEPHONE (415) 972-8160  
FACSIMILE (415) 972-8166

**FIRM RESUME**

Glancy Binkow & Goldberg LLP has represented investors and consumers in federal and state courts throughout the United States for sixteen years. Based in Los Angeles, California and with offices in New York, New York and San Francisco, California, Glancy Binkow & Goldberg has developed expertise prosecuting securities fraud, antitrust and complex commercial litigation. As Lead Counsel or as a member of Plaintiffs' Counsel Executive Committees, Glancy Binkow & Goldberg has recovered in excess of \$1 billion for parties wronged by corporate fraud and malfeasance. The firm's efforts on behalf of individual investors have been the subject of articles in such publications as The Wall Street Journal, The New York Times and The Los Angeles Times.

Appointed as Lead or Co-Lead Counsel by federal judges throughout the United States, Glancy Binkow & Goldberg has achieved significant recoveries for class members, including:

In re Heritage Bond Litigation, USDC Central District of California, Case No. 02-ML-1475-DT, where as Co-Lead Counsel, Glancy Binkow & Goldberg recovered in excess of \$28 million for defrauded investors and continues to pursue additional defendants.

In re ECI Telecom Ltd. Securities Litigation, USDC Eastern District of Virginia, Case No. 01-913-A, in which Glancy Binkow & Goldberg served as sole Lead Counsel and recovered almost \$22 million for defrauded ECI investors.

Yaldo v. Airtouch Communications, State of Michigan, Wayne County, Case No. 99-909694-CP, in which Glancy Binkow & Goldberg served as Co-Lead Counsel and achieved a settlement valued at over \$32 million for defrauded consumers.

In re Infonet Services Corporation Securities Litigation, USDC Central District of California, Case No. CV 01-10456 NM, in which as Co-Lead Counsel, Glancy Binkow & Goldberg achieved a settlement of \$18 million.

In re Musicmaker.com Securities Litigation, USDC Central District of California, Case No. 00-02018, a securities fraud class action in which Glancy Binkow & Goldberg was sole Lead Counsel for the Class and recovered in excess of \$13 million.

In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98 Civ. 7530, a securities fraud class action in which Glancy Binkow & Goldberg served as sole Lead Counsel for the Class and achieved a settlement valued in excess of \$17 million.

In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99-76079, in which Glancy Binkow & Goldberg was Co-Lead Counsel and recovered almost \$13 million for defrauded Lason stockholders.

In re Inso Corp. Securities Litigation, USDC District of Massachusetts, Case No. 99-10193, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

In re National TechTeam Securities Litigation USDC Eastern District of Michigan, Case No. 97-74587, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

In re Ramp Networks, Inc. Securities Litigation, USDC Northern District of California, Case No. C-00-3645 JCS, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of nearly \$7 million.

Glancy Binkow & Goldberg filed the initial landmark antitrust lawsuit against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in In re Nasdaq Market-Makers Antitrust Litigation, USDC Southern District of New York, Case No. 94 C 3996 (RWS), MDL Docket No. 1023, which recovered \$900 million for investors in numerous heavily traded Nasdaq issues.

In addition, Glancy Binkow & Goldberg serves as Class Counsel in In re Real Estate Associates Limited Partnership Litigation, USDC Central District of California, Case No. 98-7035 DDP, in which plaintiffs' Counsel achieved a \$184 million jury verdict after a complex six week trial in Los Angeles, California and later settled the case for \$83 million.

The firm currently serves as Lead or Co-Lead Counsel in numerous securities fraud and consumer fraud actions throughout the United States, including, among others:

Shah v. Morgan Stanley Co.,  
USDC Southern District of New York, Case No. 03 Civ. 8761 (RJH)

Lapin v. Goldman Sachs,

USDC Southern District of New York, Case No. 03-0850-KJD

In re Gilat Satellite Networks, Ltd. Securities Litigation,

USDC Eastern District of New York, Case No. 02-1510 CPS

In re Lumenis, Ltd. Securities Litigation,

USDC Southern District of New York, Case No. 02-CV-1989 DAB

Taft v. Ackermans (KPNQwest Securities Litigation),

USDC Southern District of New York, Case No. 02-CV-07951

In re Amdocs Ltd. Securities Litigation,

USDC Eastern District of Missouri, Case No. 02CV950 HEA

In re Heritage Bond Litigation,

USDC Central District of California, Case No. 02-ML-1475-DT

Payne v. IT Group, Inc.,

USDC Western District of Pennsylvania, Case No. 02-1927

Oscar Private Equity Investments v. Holland (Allegiance Telecom Securities Litigation),

USDC Northern District of Texas, Case No. 3:-CV-2761-H

Winer Family Trust v. Queen (Pennexx Securities Litigation),

USDC Eastern District of Pennsylvania, Case No. 2:03-cv-04318 JP

In re ADC Telecommunications Inc. Securities Litigation,

USDC District of Minnesota, Case No. 03-1194 (JNE/JGL)

Ree v. Procom Technologies, Inc.,

USDC Southern District of New York, Case No. 02CV7613

Capri v. Comerica, Inc.,

USDC Eastern District of Michigan, Case No. 02CV60211 MOB

Porter v. Conseco, Inc.,

USDC Southern District of Indiana, Case No. 02-1332 SEB

In re Livent, Inc. Noteholders Litigation,

USDC Southern District of New York, Case No. 99 Civ 9425

Tatz v. Nanophase Technologies Corp.,  
USDC Northern District of Illinois, Case No. 01C8440

Plumbing Solutions Inc. v. Plug Power, Inc.,  
USDC Eastern District of New York, Case No. CV 00 5553 (ERK) (RML)

In re Simon Transportation Services, Inc. Securities Litigation,  
USDC District of Utah, Case No. 2:98 CV 0863 K

The firm has also recently acted as Class Counsel in obtaining substantial benefits for shareholders in a number of actions, including:

In re F & M Distributors Securities Litigation,  
Eastern District of Michigan, Case No. 95 CV 71778 DT (Executive Committee Member) (\$20.25 million settlement)

James F. Schofield v. McNeil Partners, L.P. Securities Litigation,  
California Superior Court, County of Los Angeles, Case No. BC 133799

Resources High Equity Securities Litigation,  
California Superior Court, County of Los Angeles, Case No. BC 080254

The firm has served and currently serves as Class Counsel in a number of antitrust class actions, including:

In re Nasdaq Market-Makers Antitrust Litigation,  
USDC Southern District of New York, Case No. 94 C 3996 (RWS), MDL Docket No. 1023

In re Brand Name Prescription Drug Antitrust Litigation,  
USDC Northern District of Illinois, Eastern Division, Case No. 94 C 897

Glancy Binkow & Goldberg LLP has been responsible for obtaining favorable appellate opinions which have broken new ground in the class action or securities fields or which have promoted shareholder rights in prosecuting these actions. Glancy Binkow & Goldberg successfully argued the appeals in Silber v. Mabon I, 957 F.2d 697 (9th Cir. 1992) and Silber v. Mabon II, 18 F.3d 1449 (9th Cir. 1994), which are the leading decisions in the Ninth Circuit regarding the rights of opt-outs in class action settlements. In Rothman v. Gregor, 220 F.3d 81 (2d Cir. 2000), Glancy Binkow & Goldberg won a seminal victory for investors before the Second Circuit Court of Appeals, which adopted a more favorable pleading standard for investors in reversing the District Court's dismissal of the investors' complaint. After this successful appeal, Glancy Binkow & Goldberg then recovered millions of dollars for defrauded investors of the GT Interactive Corporation. The firm also argued Falkowski v. Imation Corp., 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003) and favorably obtained the substantial reversal of a



lower court's dismissal of a cutting edge, complex class action brought to seek redress for a group of employees whose stock options were improperly forfeited by a giant corporation in the course of its sale of the subsidiary at which they worked. The revived action is currently proceeding in the California state court system.

The firm is also involved in the representation of individual investors in court proceedings throughout the United States and in arbitrations before the American Arbitration Association, National Association of Securities Dealers, New York Stock Exchange, and Pacific Stock Exchange. Mr. Glancy has successfully represented litigants in proceedings against such major securities firms and insurance companies as A. G. Edwards & Sons, Bear Stearns, Merrill Lynch & Co., Morgan Stanley, PaineWebber, Prudential, and Shearson Lehman Brothers.

One of firm's unique skills is the use of "group litigation" - the representation of groups of individuals who have been collectively victimized or defrauded by large institutions. This type of litigation brought on behalf of individuals who have been similarly damaged often provides an efficient and effective economic remedy that frequently has advantages over the class action or individual action devices. The firm has successfully achieved results for groups of individuals in cases against major corporations such as Metropolitan Life Insurance Company, and Occidental Petroleum Corporation.

Glancy Binkow & Goldberg LLP currently consists of the following attorneys:

#### **THE FIRM'S PARTNERS**

**LIONEL Z. GLANCY**, a graduate of the University of Michigan Law School, is the founding partner of the firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at Patterson Belknap Webb & Tyler LLP concentrating in securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last fifteen years, appearing as lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He has appeared and argued before dozens of district courts and several appellate courts, and has recovered billions of dollars in settlement proceeds for large classes of shareholders. Well known in securities law, he has lectured on its developments and practice at CLE seminars and law schools.

**PETER A. BINKOW**, a partner in Glancy Binkow & Goldberg, was born in Detroit, Michigan on August 16, 1965. Mr. Binkow earned his degree in English Literature from the University of Michigan in 1988 and attended law school at the University of Southern California (J.D., 1994). Mr. Binkow joined the Law Offices of Lionel Z. Glancy upon graduation and became a partner in 2002.

Mr. Binkow has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He served as Lead or Co-Lead Counsel in many class action cases, including In re Heritage Bond Litigation (\$28 million recovery), In re National Techteam Securities Litigation (\$11 million recovery), In re Credit Acceptance Corporation Securities Litigation (\$2.5 million recovery), In re Lason Inc. Securities Litigation (\$12.68 million recovery), In re ESC Medical Systems, Ltd. Securities Litigation (\$17 million recovery) In re GT Interactive Securities Litigation (\$3 million recovery) and many others. Mr. Binkow has prepared and/or argued appeals before the Ninth Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow is admitted to practice before the state of California, the United States District Courts for the Central, Northern and Southern Districts of California, the United States District Court for the Eastern District of Michigan and the Ninth Circuit Court of Appeals. He is a member of the Los Angeles County Bar Association and the American Bar Association.

**MICHAEL GOLDBERG**, a partner in Glancy Binkow & Goldberg, specializes in federal securities, federal and state antitrust, and consumer fraud class action lawsuits. He has successfully litigated numerous cases which resulted in multi-million dollar recoveries for investors, consumers and businesses.

Mr. Goldberg was born in New York on April 27, 1966. He earned his B.A. degree in 1989 from Pitzer College - The Claremont Colleges, and his J.D. degree in 1996 from Thomas M. Cooley Law School. After graduation from law school, Mr. Goldberg joined the Law Offices of Lionel Z. Glancy and became a partner of Glancy Binkow & Goldberg in 2003. He was admitted to both the California and Florida bars in 1997 and is admitted to practice in numerous courts.

**ROBIN BRONZAFTHOWALD**, a native of Brooklyn, New York, returned home in 2001 to open the firm's New York City office. Ms. Howald graduated *magna cum laude* from Barnard College in 1980, with a B.A. in psychology. In 1983, she received her J.D. from Stanford Law School, where she served as an Articles Editor for the Stanford Law Review. In addition to her current focus upon securities fraud and consumer class action matters, during her 20-year career Ms. Howald has handled cases in many different practice areas, including commercial disputes, professional malpractice, wrongful termination, bankruptcy, patent and construction matters. As outside counsel for the City of Torrance, California, she also handled a number of civil rights and land use matters, as well as a ground-breaking environmental action concerning Mobil Oil's Torrance refinery. Ms. Howald has experience in pre-trial and trial procedure and has successfully prosecuted post-trial motions and appeals.

Mrs. Howald is a member of the bar of both California (1983) and New York (1995), and is admitted to practice in all federal judicial districts in California, the Southern and Eastern Districts of New York, and the United States Supreme Court. She co-authored "Potential Tort Liability in Business Takeovers" (California Lawyer, September 1986), was a speaker and contributing author at the Eighth Annual Current Environmental and Natural Resources Issues Seminar at the University of Kentucky College of Law (April 1991), and served as a Judge Pro Tem for the Los Angeles County Small Claims Court (1996-1997). Married in 1985, Mrs. Howald and her husband have two sons. An avid runner, Mrs. Howald has

completed six marathons.

**SUSAN G. KUPFER**, the partner resident in the San Francisco office of Glancy Binkow & Goldberg, joined the firm in 2003. She is a native of New York City and received her A.B. degree from Mount Holyoke College in 1969 and her J.D. from Boston University School of Law in 1973. She did graduate work at Harvard Law School and, in 1977, was named Assistant Dean and Director of Clinical Programs at Harvard, supervising and teaching in that program of legal practice and related academic components.

For much of her legal career, she has been a professor of law. She has taught at Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law and Northeastern University School of Law. Since 1991, she has been a lecturer on law at University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional Law, Legal Ethics and Jurisprudence. Her publications include articles on federal civil rights litigation, legal ethics and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation and legal ethics, to both law students and practicing attorneys.

She previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco and was the executive director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio Pease Tabacco Burt & Pucillo before joining Glancy Binkow & Goldberg. Her practice is concentrated in antitrust, securities and consumer complex litigation. She has been a member of the lead counsel team that achieved significant settlements in the following cases: In re Sorbates Antitrust Litigation (\$96.5 million settlement), In re Pillar Point Partners Antitrust Litigation (\$50 million settlement), In re Critical Path Securities Litigation (\$17.5 million settlement), In re New Era of Networks II Securities Litigation (\$5 million settlement).

She is a member of the Massachusetts and California State Bars and the United States District Courts for the Northern, Central and Southern districts of California, the District of Massachusetts, the First and Ninth Circuits Courts of Appeal and the U.S. Supreme Court.

#### OF COUNSEL

**NEAL A. DUBLINSKY** was born in Flushing, New York on January 15, 1963. He earned his undergraduate degree from Yeshiva University in 1984, graduating *summa cum laude*, (highest-ranking graduate of his class) and was the recipient of the Dean Isaac Bacon Award for Excellence in the Humanities. Mr. Dublinsky earned his J.D. from New York University School of Law in 1987 where he participated in the Consumer Protection Clinical Program under renowned Professor Anthony G. Amsterdam. Mr. Dublinsky was admitted to the state bar of California in 1988.

Mr. Dublinsky played a strong part in the Firm's successful resolution of the aforementioned matters of In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98

Civ. 7530 and In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079. The published opinions in which Mr. Dublinsky has played a primary role include: City of Sterling Heights Police and Fire Retirement System v. Abbey Nat. PLC, --- F.Supp.2d ----, 2006 WL 846261 (S.D.N.Y., Mar 31, 2006) (NO. 05 CIV. 2141 (DC)); Falkowski v. Imation Corp., 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003); Falkowski v. Imation Corp., 132 Cal.App.4th 499, 33 Cal.Rptr.3d 724 (Cal.App. 2005), *reh. den.* (Sep 27, 2005), *rev. den.* (Nov 30, 2005), and; Mirpuri v. ACT Mfg., Inc., 212 F.3d 624 (1st Cir. 2000). In addition, he played a primary role in Caprin v. Simon Transportation Services, Inc., 99 Fed.Appx. 150 (not selected for publication), 2004 WL 326995 (10th Cir. 2004). He also was an important participant in Rothman v. Gregor, 220 F.3d 81 (2nd Cir. 2000) and Shah v. Meeker, 435 F.3d 244 (2nd Cir. 2006).

**KEVIN F. RUF** was born in Wilmington, Delaware on December 7, 1961. Mr. Ruf graduated from the University of California at Berkeley in 1984 with a B.A. in Economics and earned his J.D. from the University of Michigan in 1987. Mr. Ruf was admitted to the State Bar of California in 1988. Mr. Ruf was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation. He was of counsel to the Los Angeles firm Corbin & Fitzgerald from 1993 until 2001 where he specialized in white collar criminal defense work, including matters related to National Medical Enterprises, Cynergy Film Productions and the Estate of Doris Duke. Mr. Ruf has extensive trial experience, including jury trials, and considers his courtroom skills to be his strongest asset as a litigator. In his spare time, Mr. Ruf is an actor and comic. He is a full member of the world-famous Groundlings Theatre and has appeared in a number of television shows and films, including "Seinfeld," "Friends," "Spin City," and "Curb Your Enthusiasm."

**ROBERT A. ZABB** attended Yale University and Columbia Law School, and received his B.A. in 1975 and his J.D. in 1979. Mr. Zabb is admitted to practice in California, New York and Massachusetts, in state and federal courts in those jurisdictions. His practice has consisted of general business litigation with a specialization in federal securities litigation on the plaintiff and defense sides. He has practiced actively in the United States District Courts for the Southern and Eastern Districts of New York, which are important centers for securities litigation. Mr. Zabb's accomplishments are reflected in numerous reported case decisions, particularly in the cases known as SEC v. Thrasher (Southern District of New York) and In re MTC Securities Litigation (Eastern District of New York). Mr. Zabb has had the privilege of arguing a case before the U.S. Supreme Court. This was a securities case delineating the permissible scope of a private right of action, and is known as Employers Insurance of Wausau v. Musick, Peeler and Garrett.

**SYLVIE KULKIN KERN** has been a commercial litigator for twenty years. She began her legal career as a law clerk to Justice John Holmdahl of the California Court of Appeal, First District, and then practiced law in San Francisco at Severson, Werson, Berke & Melchior (1985-1988); Brobeck Phleger & Harrison (1988-1993); and Morrison & Foerster LLP (1995-2004), where she was of counsel on the firm's securities litigation team. She joined Glancy Binkow & Goldberg LLP in 2005. In addition to her work in the securities field and her current focus on antitrust litigation, Ms. Kern has handled numerous complex commercial cases in state and federal court in the transportation, insurance, banking, real estate, and telecommunications industries, at both the law and motion and appellate stages. Born and raised in Nice,

France, Ms. Kern moved to Los Angeles with her family in 1962. She graduated from the University of California at Los Angeles, *magna cum laude* and Phi Beta Kappa, in 1973, with dual degrees in French and Political Science. She obtained her master's degree from the Johns Hopkins School of Advanced International Studies in 1975, and a law degree from Hastings College of the Law, where she served on the Hastings International and Comparative Law Review, in 1983. Prior to attending law school, Ms. Kern served as a Foreign Service officer with the United States Agency for International Development, managing foreign aid programs in El Salvador and Haiti. She speaks French, Spanish and Italian, and has lived or traveled in over thirty countries.

**MICHAEL B. ACKERMAN** was born in Brooklyn, New York on June 30, 1962. He received his Bachelor of Arts from Columbia University in 1984 and attended Fordham University Law School (J.D. 1987). Mr. Ackerman was admitted to the New York bar in 1989 and the California bar in 1990. Mr. Ackerman is a member of the American Bar Association, the Los Angeles County Bar Association and the Association of the Bar of the City of New York.

**BRADLEY J. HILLIS** graduated from the University of Washington School of Law (J.D., 1988), where he was a member of Moot Court Honor Board. He received a B.A. from The Colorado College and M.A. in history from the University of Washington. Mr. Hillis is a member of the bars of New York, Massachusetts and Washington State, the U.S. District Courts for the Western District of Washington and Massachusetts, and the U.S. Courts of Appeal for the First and Ninth Circuits. He is the author of "Electronic Court Filing and the Internet," (The Journal of Appellate Practice and Process, volume 2:2, Winter 2000). He has previously worked as a deputy prosecuting attorney for the King County Prosecutor's Office, in Seattle, Washington, and was a member of the Advisory Board of Findlaw.com.

**ILANA KOHN** was born in Encino, California, on October 7, 1967. She earned her undergraduate degree from Mills College in 1993, with honors, and her J.D. from the University of San Francisco School of Law in 1999, with honors. Ms. Kohn was admitted to the State Bar of California in 1999, and is admitted to practice before the Northern, Central and Eastern Districts of California. Ms. Kohn specializes in class actions on behalf of defrauded investors and consumers. Prior to her class action work, Ms. Kohn was an associate in the San Francisco office of Schnader Harrison Segal and Lewis, where she specialized in commercial litigation. Since joining the firm in 2003, Ms. Kohn has been involved in the prosecution of the Initial Public Offering Securities Litigation pending in the United States District Court for the Southern District of New York, a coordinated proceeding of over 300 class action lawsuits based on market manipulation in initial public offerings during the high technology boom of the late 90s.

**JALA AMSELLEM** has been engaged in the private practice of civil litigation for over ten years. She has handled a broad variety of cases in the areas of corporate commercial, family law, personal injury and entertainment litigation. Jala is also a former legal writing professor who taught legal skills for twelve years. In her last academic position she was the Associate Director of the legal writing program at The George Washington School of Law. Recently, Jala founded The Bar Coach, a company dedicated to assisting bar takers pass the California Bar Exam.



Jala received her undergraduate degree from New York University in 1982 and her J.D. from Touro Law School in 1985. At Touro, Jala was the Senior Editor of the law review. Jala is admitted to the bars of California, New York, New Jersey, Michigan and the District of Columbia.

### ASSOCIATES

**MARCL. GODINO** has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, ERISA, and consumer cases throughout the country in both State and Federal court as well as represented defrauded investors at NASD arbitrations.

While an associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in Small v. Fritz Co., 30 Cal. 4th 167 (April 7, 2003) in which the California Supreme Court created new law in the state of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including The National Law Journal, Los Angeles Times, New York Times, and the New York Law Journal, among others and was heralded as a significant victory for shareholders.

Other published decisions include: In re 2TheMart.com Securities Litigation, 114 F.Supp 2d 955 (C.D. Cal. 2002); In re Irvine Sensors Securities Litigation, 2003 U.S. Dist. LEXIS 18397 (C.D. Cal. 2003); Brown v. Computerized Thermal Imaging Inc., 2002 WL 31109563 (D.Or. 2002).

Mr. Godino received his undergraduate degree from Susquehanna University with a bachelor of science degree in Business Management. He received his J.D. from Whittier Law School in 1995.

Mr. Godino is admitted to practice before the state of California, the United States District Courts for the Central, Northern and Southern Districts of California, the District of Colorado, and the Ninth Circuit Court of Appeals.

**DALE MacDIARMID** is a native of Los Angeles, California. He holds a B.A. in Journalism (with Distinction) from the University of Hawaii, and a J.D. from Southwestern University School of Law, where he was member of the Board of Governors of the Interscholastic Trial Advocacy Honors Program. He is admitted to practice in California and before the United States District Courts for the Southern, Central and Northern Districts of California. Dale is a member of Kappa Tau Alpha, the national journalism honor society, and before joining Glancy Binkow & Goldberg he was a writer and editor for newspapers and magazines in Honolulu and Los Angeles.

**KARA M. WOLKE** graduated summa cum laude with a B.S.B.A. in Economics from The Ohio State University in 2001. Kara earned her J.D. (with honors) from Ohio State in May, 2005, where she was active in Moot Court and received the Dean's Award for Excellence for each of her three years. In 2005, she was a finalist in a national writing competition co-sponsored by the American Bar Association and the Grammy® Foundation. (7 Vand. J. Ent. L. & Prac. 411). Kara joined Glancy Binkow & Goldberg in the fall of 2005 and was admitted to the State Bar of California in January, 2006.

**ANDY SOHRN** joined Glancy Binkow & Goldberg LLP in 2006. He was admitted to the California Bar in January 2006 after receiving his J.D. from the University of California Los Angeles School of Law in May 2005. While attending law school, Andy was the Managing Editor of the Pacific Basin Law Journal, participated in Moot Court and was a Teaching Assistant for the Lawyering Skills program. He also holds a B.A. in Economics and Mathematics from Yale University (class of 2002).

**PROOF OF SERVICE BY ELECTRONIC POSTING  
PURSUANT TO NORTHERN DISTRICT OF CALIFORNIA LOCAL RULES AND  
ECF GENERAL ORDER NO. 45  
AND BY MAIL ON ALL KNOWN NON-REGISTERED PARTIES**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1801 Avenue of the Stars, Suite 311, Los Angeles, California 90067.

On June 27, 2006, I served the following by posting such documents electronically to the ECF website of the United States District Court for the Northern District of California:

- 1      **NOTICE OF MOTION AND MOTION OF I.B.L. INVESTMENTS LTD. FOR  
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S  
SELECTION OF LEAD COUNSEL; MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**
- 2      **DECLARATION OF LIONEL Z. GLANCY IN SUPPORT OF MOTION OF I.B.L.  
INVESTMENTS LTD. FOR APPOINTMENT AS LEAD PLAINTIFF AND  
APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**
- 3      **[PROPOSED] ORDER GRANTING MOTION OF I.B.L. INVESTMENTS LTD. FOR  
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S  
SELECTION OF LEAD COUNSEL**

on all ECF-registered parties in the action and, upon all others not so-registered but instead listed below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Los Angeles, California. They are:

Terayon Communication Systems, Inc.  
4988 Great America Parkway  
Santa Clara, CA 95054

Jerry D. Chase  
c/o Terayon Communication Systems, Inc.  
4988 Great America Parkway  
Santa Clara, CA 95054

Zaki Rakib  
c/o Terayon Communication Systems, Inc.  
4988 Great America Parkway  
Santa Clara, CA 95054

Mark A. Richman  
c/o Terayon Communication Systems, Inc.  
4988 Great America Parkway  
Santa Clara, CA 95054

Edward Lopez  
c/o Terayon Communication Systems, Inc.  
4988 Great America Parkway  
Santa Clara, CA 95054

Executed on D, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

S/Kyaa D. Heller  
Kyaa D. Heller